

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABC MORTGAGE CORPORATION
f/k/a JOHN G. MACLEOD d/b/a
ABC MORTGAGE COMPANY

Plaintiff,

v.

SCOTTSDALE INSURANCE
COMPANY

Defendant.

Civil Action No. 04-CV-10816 MLW

DEFENDANT'S INITIAL RULE 26(a)(1) DISCLOSURES

Defendant, Scottsdale Insurance Company ("Scottsdale"), herein provides its Initial Disclosures, as required by Rule 26(a)(1) of the Federal Rules of Civil Procedure:

(A) Individuals

The following individuals are likely to have discoverable information that Scottsdale may use to support its claims and defenses:

Dean W. Clause
Senior Claim Specialist
Scottsdale Insurance Company
Claims Division
P.O. Box 4120
Scottsdale, AZ 85261-4120

Mr. Clause is an employee of Scottsdale and is knowledgeable about Scottsdale's actions and coverage position taken in response to the plaintiff's submission of claims.

Kathy Davin
Senior Claim Specialist
Scottsdale Insurance Company
Claims Division
P.O. Box 4120
Scottsdale, AZ 85261-4120

Ms. Davin is an employee of Scottsdale and is knowledgeable about Scottsdale's actions and coverage position taken in response to the plaintiff's submission of claims.

John MacLeod d/b/a ABC Mortgage Company
89 Pearl Street, Suite 1A
Braintree, MA 02184

Mr. McLeod is the plaintiff in the instant action and is knowledgeable about most, if not all, of the facts at issue in the pleadings.

K McCarthy
XS Brokers Insurance Agency
P.O. Box 690355
Quincy, MA

XS Brokers was the agent who placed insurance coverage for ABC Mortgage and is knowledgeable about the procurement of insurance for ABC Mortgage.

Maureen Dailey Tax and Insurance Service
11 Bethel Terrace
Quincy, MA

Ms. Dailey was the broker who placed insurance coverage for ABC Mortgage and is knowledgeable about the procurement of insurance.

Fax.com, Inc.
3101 W Sunflower Avenue
Santa Ana, CA 97799

Eloansites.com/Ellipsis, Inc.
65 Enterprise Suite 220
Aliso Viejo, CA 92656

These companies were responsible for sending the allegedly unsolicited facsimiles at the request of ABC Mortgage.

Mr. Thomas Mulhern
c/o Shlansky & Broderick, LLP
1011 Beacon Street
Brookline, MA 02446

Mr. Mulhern is the plaintiff in the underlying action and is presumably knowledgeable about the underlying claims he made against John MacLeod d/b/a ABC Mortgage.

(B) Documents, Data Compilations, and Tangible Things

Copies of documents, data compilations, and tangible things in the possession, custody or control of Scottsdale that Scottsdale has identified as items it may use to support its claims or defenses will be provided to plaintiffs. There may be other documents, data compilations and tangible things that Scottsdale may later identify as supportive of its claims or defenses, and if so, Scottsdale will supplement this disclosure.

(C) Damages

Scottsdale does not complain of any damages in this matter.

(D) Insurance

None. In addition, the insurance policy that is the subject of this litigation is included in the materials provided under subsection (B) above.

Respectfully submitted
Scottsdale Insurance Company,

/s/ Catherine N. O'Donnell
Stephen J. Abarbanel, BBO # 010100
Catherine N. O'Donnell, BBO # 634719
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108-4404
(617) 557-5900

Dated: August 16, 2005

CERTIFICATE OF SERVICE

I, Catherine N. O'Donnell hereby certify that on this 16th day of August, 2005, I served a true copy of the foregoing document via first-class mail, postage prepaid, upon the following:

William D. Chapman, Esq.
Melick, Porter & Shea, LLP
28 State Street
Boston, MA 02109

/s/ Catherine N. O'Donnell
Catherine N. O'Donnell